

CHAPTER NO. 327

SENATE BILL NO. 1812

By Burks

Substituted for: House Bill No. 1884

By Winningham, Cooper

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9, relative to higher education boards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 2, is amended by adding the following as a new section:

Section 49-7-212. (a) By July 1, 2003, the commission shall establish and adopt a code of ethics that shall apply to and govern the conduct of all appointed members of the commission.

(b) Notwithstanding any other provision of law to the contrary, by a two-thirds (2/3) of its membership, the commission may remove any appointed member of the commission for a material violation of the code of ethics.

(c) A commission vote to remove one of its members shall only be taken after the accused member has been afforded a due process contested case hearing in accordance with the Tennessee Uniform Administrative Procedures Act, codified in Tennessee Code Annotated, Title 4, Chapter 5 and a finding has been made that the member did violate the commission's code of ethics.

(d) If a member is removed in accordance with this section, such position shall be considered vacant and the vacancy shall be filled as provided by law.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 8, Part 2, is amended by adding the following as a new section:

Section 49-8-204. (a) By July 1, 2003, the board shall establish and adopt a code of ethics that shall apply to and govern the conduct of all appointed members of the board.

(b) Notwithstanding any other provision of law to the contrary, by a two-thirds (2/3) of its membership, the board may remove any appointed member of the board for a material violation of the code of ethics.

(c) A board vote to remove one of its members shall only be taken after the accused member has been afforded a due process contested case hearing in accordance with the Tennessee Uniform Administrative Procedures Act, codified in Tennessee Code Annotated, Title 4, Chapter 5 and a finding has been made that the member did violate the board's code of ethics.

(d) If a member is removed in accordance with this section, such position shall be considered vacant and the vacancy shall be filled as provided by law.

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 9, Part 2, is amended by adding the following as a new section:

Section 49-9-210. (a) By July 1, 2003, the board shall establish and adopt a code of ethics that shall apply to and govern the conduct of all appointed members of the board.

(b) Notwithstanding any other provision of law to the contrary, by a two-thirds (2/3) of its membership, the board may remove any appointed member of the board for a material violation of the code of ethics.

(c) A board vote to remove one of its members shall only be taken after the accused member has been afforded a due process contested case hearing in accordance with the Tennessee Uniform Administrative Procedures Act, codified in Tennessee Code Annotated, Title 4, Chapter 5 and a finding has been made that the member did violate the board's code of ethics.

(d) If a member is removed in accordance with this section, such position shall be considered vacant and the vacancy shall be filled as provided by law.

(e) The provisions of this section shall be in addition to the prohibition against conflicts of interest by members of the board and possible punishment for violations set out in § 49-9-207.


SECTION 4. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following new section:

49-7-1___. Notwithstanding the provisions of Section 8-36-714 to the contrary, upon mutual agreement between the Tennessee higher education commission and the University of Tennessee or Tennessee board of regents, as appropriate, an individual holding the title of "president emeritus" may apply service to the Tennessee higher education commission toward fulfillment of such individual's obligations as president emeritus.

SECTION 5. This act shall take effect January 1, 2004, the public welfare requiring it.

PASSED: May 28, 2003


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 11th day of June 2003


PHIL BREDESEN, GOVERNOR